

(PCT Article 36 and Rule 70)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/009206

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-19 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-9 _____ received by this Authority on 22.07.2005 with letter of 22.07.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☒ the claims, nos. 10 _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
|-----------|--|-------------------|-----|
| 1. | Statement | | |
| | Novelty (N) | Claims <u>1-9</u> | YES |
| | | Claims _____ | NO |
| | Inventive step (IS) | Claims <u>1-9</u> | YES |
| | | Claims _____ | NO |
| | Industrial applicability (IA) | Claims <u>1-9</u> | YES |
| | | Claims _____ | NO |
| 2. | Citations and explanations (Rule 70.7) | | |
| | Reference is made to the following document: | | |
| | D1: US 2002/099842 A1 (BATE DONALD ET AL) | | |
| | 25 July 2002 (2002-07-25) | | |
| 1 | Claim 1 | | |
| | Document D1 is considered the prior art closest to the subject matter of claim 1 and discloses (the references between parentheses refer to that document): | | |
| | a method for controlling the load in a packet data network at an interface between the packet data network and a connection-oriented telecommunications network connected thereto, wherein the amount of traffic constituted by data of a type which is routed through the packet data network is determined, characterised in that (paragraph [0046]) | | |
| | - a forecasted amount of traffic is calculated for the next period using the measured data | | |

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|-----------|---|
| | <p>(paragraph [0066]) and</p> <p>- resources corresponding to the forecasted amount of traffic are reserved for the next period in the packet data network (paragraphs [0078]-[0100], [0091]-[0110]).</p> <p>The subject matter of claim 1 thus differs from that known from D1 in that the forecasted amount of traffic is determined using a formula which takes into consideration an overbooking factor and a trend factor.</p> <p>The present invention can therefore be considered to address the problem of using the overbooking factor to establish a certain degree of security against inaccuracies in the algorithm with regard to the prognosis and unforeseen traffic fluctuations. Moreover, the trend factor is used to indicate the speed at which the system should react to changes from one measuring period to the next.</p> <p>The subject matter of claim 1 is thus novel (PCT Article 33(2)) and inventive (PCT Article 33(3)).</p> <p>2 Independent claims 8 and 9</p> <p>The same arguments apply to claims 8 and 9, which claim the corresponding Media Gateway Controller and Media Gateway.</p> |

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|-----------|---|
| 3 | <p>Claims 2-7</p> <p>Claims 2-7 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.</p> |